

### REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 1, 2, 7-23, 28-33, 37, 38, 40, 41, and 43-46 are presented for consideration. Claims 1, 22, 37, 38, 40, and 41 are independent. Claims 1, 2, 7-9, 22, 23, 28-30, 37, 38, 40, 41, and 43-46 have been amended to clarify features of the subject invention. Support for these changes can be found in the original application, as filed. Accordingly, no new matter has been added.

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action.

Claims 43-46 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserted that the term "adjacent" in each of these claims is relative and the limits of this term are not defined. Applicant has amended each of claims 43-46 to change "adjacent to" to read -- following --. Accordingly, Applicant submits that this rejection has been overcome. Such favorable indication is requested.

Turning now to the art rejections, claims 1, 2, 7-10, 12-15, 17, 18, 22, 23, 28-31, 33, 37, 38, 40, 41 and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,993,246 to Pan et al. in view of U.S. Patent No. 6,470,359 to Lyle, and further in view of U.S. Patent No. 6,035,341 to Nunally et al. Claims 11, 16, 19 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pan et al. patent in view of the Lyle patent, in view of the Nunally et al. patent, and further in view of U.S. Patent No. 6,065,010 to Otsuka et al. Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pan et al. patent in view of the Lyle patent, in view of the Nunally et al. patent, and further in view of

U.S. Patent No. 6,665,835 to Gutfreund et al. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pan et al. patent in view of the Lyle patent, in view of the Nunally et al. patent, and further in view of U.S. Patent No. 6,654,933 to Abbott et al. Applicant submits that the cited art, whether taken individually or in combination, does not teach or suggest many features of the present invention, as previously recited in these claims. Therefore, these rejections are respectfully traversed.

Nevertheless, in order to expedite prosecution, Applicant has amended each of independent claims 1, 22, 37, 38, 40 and 41 in order to amplify the distinctions between the present invention and the cited art.

Independent claim 1 recites a method of storing data. The method includes the steps of storing data comprising one or more data samples, each said data sample having additional nonstandard information, in one or more media files configured for use by a media player application in playing the data samples, said additional non-standard information being used for recovery of said media file upon said media file being damaged and storing, in an index file associated with one or more of the media files, at least an offset value for each of the data samples representing a location of each of the data samples in a corresponding one of the media files. The additional non-standard information includes at least a timestamp for one or more of the data samples. Each of the timestamps indicates a capture time of an associated data sample, and the additional non-standard information of the media files is used in reconstructing the index file upon corruption of the index file. The reconstructed index file includes the offset values representing the locations of each of the data samples in the media files, in which the reconstructed index file replaces the index file associated with the one or more media files.

As described at page 17, lines 19-23 of the present specification, "Additionally, a special chunk, hereinafter referred to as a 'CNVD' chunk is inserted in front of the newly stored sample. The CNVD chunk is configured to be ignored by a standard AVi™ media player. The CNVD chunk contains additional information, which can be used to recover the media file 200 and the associated index file 205."

As discussed in the previous Amendment of May 20, 2008, Pan et al. discloses a method and system for correlating data streams in which events in a first data stream are correlated with events in a second data stream based on a method of indexing. According to Pan et al., as information of a first and second data stream are stored to a data file, the data streams are monitored for certain trigger events. An informational data set is then generated and stored in an index file for each detected trigger event. See Pan et al., Abstract.

With respect to claim 1, the Office Action asserts that Pan et al. teaches storing data, as one or more data samples in one or more media files configured for use by a media player application in playing the data samples, and storing, in an index file associated with one or more of the media files, at least an offset value for each of the data samples representing a location. Applicant submits, however, that Pan et al. does not teach or even suggest, among other features, storing data comprising one or more data samples, each said data sample having additional nonstandard information, in one or more media files configured for use by a media player application in playing the data samples, the additional non-standard information being used for recovery of the media file upon said media file being damaged.

Moreover, the Office Action, at page 5, acknowledges that Pan et al. does not teach "the additional information of the media file being used in reconstructing the index file comprising the offset values representing the location of each of the data samples in the media files, wherein

the reconstructed index file replaces the index file associated with the one or more media files."

To compensate for this deficiency, the Office Action refers to Lyle et al. Applicant again submits, however, that Lyle et al. does not teach or even suggest this feature. In fact, the only additional information disclosed to be stored in Lyle et al. is information disclosed to be stored separately from the LOBs (i.e., the Examiner's media file). See Lyle et al., column 4, line 63 to column 5, line 38.

As seen in Fig. 2 of Lyle et al., the LOB pages 212 and the space map pages 218 are separate. Lyle et al. teaches that the additional information is in the form of "key 214, which indicate the first LOB map page." See Lyle et al., column 5, line 26-30. The LOB values are stored in a LOB table space 206 that is completely separate from the base table space 200 in which the base table 202 is defined. See Lyle et al., column 5, lines 17-19. The keys 214 are stored in an "auxiliary index." As seen in Fig 2 of Lyle et al., the auxiliary index is stored in the index space 216. However, the LOBs are stored in the LOB table space 206. Accordingly, the only additional information disclosed to be stored Lyle et al. (i.e., the keys 214), is stored separately from the LOBs (i.e., the Examiner's media files).

Further, as understood, Lyle et al. teaches that "storing this information with a LOB low-level space map page enables the index recovery system 124 to recover an index on an auxiliary table by reading only the LOB low-level space map pages, instead of all pages in the LOB table space." See Lyle et al., column 5, lines 2-6. Accordingly, the information stored with the LOBs (i.e., the Examiner's media files) is used for recovering an index on an auxiliary table and there is no suggestion that the LOBs are damaged. Applicant submits, therefore, that Pan et al. and Lyle et al. do not teach or even suggest, among other features, storing data comprising one or more data samples, each said data sample having additional non-standard information, in one or more

media files configured for use by a media player application in playing the data samples, the additional non-standard information being used for recovery of the media file upon the media file being damaged.

The Office Action, at page 7, acknowledges that Pan et al. and Lyle et al. do not teach the claimed feature of "the reconstructed index file replaces the index file associated with the one or more media files." For this feature, the Office Action relies in Nunally et al., equating the term 'LOB' (large Objects) with the claimed media file. Applicant, again, respectfully submits, however, that Nunally et al. does not teach or even suggest this feature.

Nunally et al. discloses, at column 10, lines 46-51, that "the sequence is added to a positive result list (step 152) and the index information for the file is updated to indicate detection of the event (step 154). That is, the event-related data shown at 104 in Fig. 5 is updated to indicate detection of the event, as well as the confidence factor applicable to the event detection decision." Accordingly, in Nunally et al. the index information in a file is updated. Applicant submits that the updating of the index information as disclosed by Nunally et al. is distinctly different from the claimed invention in which one index file is replaced by a reconstructed index file. Applicant submits that Pan et al., Lyle et al. and Nunally et al. do not teach or even suggest, among other features, storing data comprising one or more data samples, each said data sample having additional non-standard information, in one or more media files configured for use by a media player application in playing the data samples, the additional non-standard information being used for recovery of the media file upon the media file being damaged.

For at least the foregoing reasons, Applicant submits that the present invention, as recited in independent Claim 1 is patentably defined over Pan et al., Lyle et al. and Nunally et al. In

addition, independent claims 22, 37, 38, 40 and 41 should be found to be distinguished over the cited art for at least the same or similar reasons as those presented above with respect to claim 1.

Applicant further submits that Otsuka, which was cited against dependent claims 11, 16, 19, and 32, does not remedy the aforementioned deficiencies of Pan et al., Lyle et al. and Nunally et al. Applicant still further submits that neither Gutfreund nor Abbott et al., which were cited against dependent claims 20 and 21, respectively, also fail to remedy the aforementioned deficiencies of Pan et al., Lyle et al. and Nunally et al.

Accordingly, Applicant requests reconsideration and withdrawal of the rejections under 35 U.S.C. §103.

For the foregoing reasons, Applicant submits that the present invention, as recited in independent claims 1, 22, 37, 38, 40 and 41, is patentable over the art of record, whether that art is considered individually or in combination.

Dependent claims 2, 7-21, 23, 28-33 and 43-46 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

For the reasons noted above, Applicant submits that this Amendment After Final Rejection places this application in condition for allowance. This Amendment was not earlier presented because Applicant believed that the prior Amendment placed the application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 CFR 1.116.

Applicant requests favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early notice of allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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